

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Earnest E. Vaughn, Sr.,)	
)	
Plaintiff,)	
)	Civil Action No.: 8:07-3112-TLW-BHH
vs.)	
)	
David King, Chief of Police, Honea Path)	
Police Department; and The Municipal)	
of Honea Path, Mayor Myers Lollis, in both)	
capacities,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff, Earnest E. Vaughn, Sr., (“plaintiff”) brought this civil rights action under 42 U.S.C. § 1983, as a prisoner proceeding *pro se* against defendants David King, Chief of Police, Honea Path Police Department; and The Municipal of Honea Path, Mayor Myers Lollis, in both capacities. (Doc. #1). The defendants filed a motion for summary judgment on February 14, 2008. (Doc. #24). On February 19, 2008, plaintiff was provided a copy of the motion and was given an explanation of the summary judgment procedure as well as pertinent extracts from 56 of the Federal Rules of Civil Procedure as required by Rosoboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). (Doc. #26). Plaintiff was advised of the possible consequences if he failed to respond to the motion for summary judgment. Despite this explanation, the plaintiff elected not to respond to the motion. This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bruce Howe Hendricks, to whom this case had previously been assigned. (Doc. #28). In the Report, Magistrate Judge Hendricks recommends that the District

Court grant summary judgment in favor of the defendants and that the action be dismissed. (Doc. #28). Objections to the Report were due May 15, 2008. The plaintiff has filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #28) and the defendants' motion for summary judgment is **GRANTED IN ITS ENTIRETY** (Doc. #24) and the matter is **DISMISSED**.

IT IS SO ORDERED.

S/Terry L. Wooten
Terry L. Wooten
United States District Judge

July 16, 2008
Florence, South Carolina